UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES,

     Plaintiff,

v.   Case No.   11-20129

SALVATORE BATTALGLIA (D-33),

     Defendant.

_____/

OPINION AND ORDER DENYING DEFENDANT'S MOTION FOR SEVERANCE

Defendant Salvatore Battalgia again moves for severance. Dkt. #1229. The government opposes the motion. The court has written before on this motion, presented in other forms at other times, and the court's analysis and conclusion remains the same. Nothing new is presented.

A motion to sever is left to the discretion of the trial court. *United States v. Lopez*, 309 F.3d 966, 971 (6th Cir. 2002).   "As a general rule, persons jointly indicted should be tried together because 'there is almost always common evidence against the joined defendants that allows for the economy of a single trial.'" *Id.* (quoting *United States v. Phibbs*, 999 F.2d 1053, 1067 (6th Cir.1993)). "Severance should be granted 'only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence.'" *Id.* (quoting *Zafiro v. United States*, 506 U.S. 534, 539 (1993)). Defendant has not shown that any such risk exists here. As before, defendant still speaks in

generalities[1] and fails to show that there is any serious risk of significant prejudice which

overcomes the economy of a single trial. Accordingly,

IT IS ORDERED that the motion to sever [Dkt. # 1229] is DENIED.

                                    s/Robert H. Cleland
                                    ROBERT H. CLELAND
                                    UNITED STATES DISTRICT JUDGE

Dated: July 24, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record
on this date, July 24, 2015, by electronic and/or ordinary mail.

                                    s/Lisa Wagner
                                    Case Manager and Deputy Clerk
                                    (313) 234-5522

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[1] The court notices, however, that Defendant's counsel now acknowledge the existence of "tens of pages" of material in the discovery that pertains to Defendant's apparent activities.

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